

## FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAFY- 3886  
(Inmate Number)Thomas J. Beaton Sr.  
(Name of Plaintiff)Box A, Bellefonte, PA 16823-0820  
(Address of Plaintiff)

Rockview State Prison

vs.

1) Superintendent Franklin J. Tennis,  
2) Deputy Superintendent Joel Dickson,

(rest of Defendants on next page)  
(Names of Defendants)COMPLAINT FILED  
SCRANTON

AUG 20 2007

ED  
DEPUTY CLERKTO BE FILED UNDER:  42 U.S.C. § 1983 - STATE OFFICIALS 28 U.S.C. § 1331 - FEDERAL OFFICIALS

## I. Previous Lawsuits

A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

NO -  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## II. Exhaustion of Administrative Remedies

A. Is there a grievance procedure available at your institution?  
 Yes  No

B. Have you filed a grievance concerning the facts relating to this complaint?  
 Yes  No

If your answer is no, explain why not \_\_\_\_\_  
 \_\_\_\_\_

C. Is the grievance process completed?  Yes  No

LIST OF ADDITIONAL DEFENDANTS

3. Major Morris
4. Captain - Gerald McMahon
5. Robert Patishnock
6. Sgt. Brian Confer
7. Officer A. Porter
8. Officer John Doe
9. Officer John Doe
10. Richard Ellers - Medical ADM.
11. Dr. John Symons
12. Physicians Assistant - John Doe
13. Physicians Assistant - Jane Doe
14. Prison Health Service Company
15. Sharon Burke
16. Jeffrey Packovan

## III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

A. Defendant Superintendent Franklin J. Tenny is employed as Superintendent at Rockview State Prison  
Joel Dickson, Dr. Symons, Major Morris, (Sharon Burke Camp Hill  
State Prison  
B. Additional defendants Captain Gerald McMahon, Robert Patishnock  
Sgt. Brian Confer, Officer A. Porter, Officer John Doe, Officer John Doe  
Richard Ellers - Medical ADM., Physicians assistant - John Doe,  
Physician Assistant - Jane Doe, Jeffrey Rackovan, Prison Health Service Co.

IV. Statement of Claim Part A:Page 1

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

On or about August 27, 2006, I was standing on our Block  
CB on the first floor while out on Block-out recreation time  
approx around 7:50 pm. with approx 150 inmates all out playing  
cards, watching TV, etc.,, at the Rockview State Prison in  
Bellefonte, PA. As I was holding my wash basin with clothes  
in it, a large inmate named (Shareef) walked over to me and  
punched me in the mouth, and knocked me down - unconscious.  
He had a pad lock in his hand when he hit me. My mouth was  
severly busted open, I lost (2) bottom teeth, (4) severe  
lacerations to my bottom lip, a fractured skull after my  
head bounced off the floor, after I was knocked down.  
I then was picked up by other inmates after laying on the

(continued on next page)

floor for approximately 15 minutes and placed on the rear stairs of CB-Block, which connects the 2nd level of the block, for approximately another 15 to 20 minutes.

When I finally regained consciousness, I was helped up the stairs so I could go to my cell, on the 2nd floor - cell 247. I stopped by cell 246 to ask the inmate where do I live, the inmate told me next door in cell 247.

During the course of this incident there were no officers present, in sight, for my protection, safety, or aid in a emergency situation. Officer A. Porter was suppose to be at the showers on the block while block out was running. He could of viewed the incident had he been on his post.

I then was in fear for my life as well as very dazed and hurt, because the inmate who assaulted me came up to my cell (247) and told me if I tell the officers what happened he would inflict more harm on me. He came to my cell approximately 8:40 pm., right before lock-down and block -out ended. I waited until the following morning to seek help and ~~had~~ medical attention.

I was handcuffed, then taken to security to be questioned by Officer Lt. Vance. Lt. Vance reviewed the CB-Blocks survallience tapes and saw the whole incident. I then was taken to medical and all my injuries were reported as well as pictures taken. I then was taken to the dentist to remove the broken teeth. I then was escorted back to security, but never taken for head trauma test until 4 or 5 weeks later after constantly complaining of severe headaches and other symtoms. After I was taken for a Cat-Scan, it showed a fractured skull, bruise, and lump on the

page 3 - Statement of Claim

rear left side of my head, from my head hitting the floor.

The inmate who assaulted me was placed in the Restrictive Housing Unit (RHU), and was eventually charged by the State Police of Pennsylvania at Bellefonte with assault and transferred to another facility. He plead guilty and received one (1) to two (2) years.

The night I was assaulted the officers assigned to CB-Block, Sgt. Brian Confer, Officer A. Porter, John Doe and John Doe were nowhere present during this incident or for my aid, help or security in this brutal assault upon me. I have a signed affidavit from witness Vincent Phillips, inmate #FN-3690, to support my claims about this event.

**Part B:** I was seen by the Medical Department the morning after the assault upon myself approx; August 28, 2006, by the PHA Assistants as well as Dr. Symons. My injuries were documented and pictures taken of my injuries, but I was never taken to a hospital or a Image X-Ray Center for pictures of my head injury until approximately four (4) weeks later, after I had the Pennsylvania Prison Society from the Philadelphia, PA area call the prison on my behalf to find out why I wasn't properly attended to, due to the seriousness of my head injury.

When I was finally taken for X-rays - MRI, MRA and Cat Scan, they clearly showed injuries and a fractured skull. I feel I was not properly taken care of by this medical staff here at Rockview.

Exhibit C-

AFFIDAVIT

On the night of 8/27/06, at approximately 7:50pm, during block out recreation time, I, Vincent Phillips, DOC inmate #FN3690, was sitting at the last table at the back of the block playing pinochle with Shareef as my partner. I saw Tom Beaton coming back there with a clothes bucket in his hand, and we spoke to each other as he walked by. About 5 seconds later Shareef turned his head around and said, "What did you say?" At that point Tom was already past the table speaking with someone. A few minutes later, the pinochle game was over and Shareef got up from the table and said he was going to put his sneakers on.

About five (5) minutes later, Shareef walked past the table and punched Tom. Tom flew in the air and landed on his head. He was out cold. I sat there in shock and disbelief at what I just saw. I sat there for about 5 or 10 minutes not knowing what to do, until I saw someone else try to wake Tom up. I then went over to help. We finally got Tom to come to, and sat him up. After about 10 minutes we tried to stand Tom up, but he couldn't stand on his own, so we sat him on the bottom step. He sat there for about 15 minutes or so, and then walked slowly up the steps heading for his cell. There was no CO around for at least forty (40) minutes, for the entire duration of these events.

The inmate who assaulted Tom is named Francesco. His Muslim name is Shareef.

I, Vincent Phillips, FN3690, do hereby declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing information is true and correct to the best of my knowledge.

Signed,



1  
Vincent Phillips FN3690

Dated this day,

7-27-07

Vincent Phillips

ALL DEFENDANTS [REDACTED] WERE ACTING UNDER THE COLOR OF THE LAW IN THEIR OFFICIAL CAPACITY

Claim Facts  
DEFENDANTS INVOLVED

1) Sgt. Brian Confer - Was the officer in charge of CB-Block officers, the night I was assaulted, on or about August 27 or 28, 2006 - 2nd shift.

2) Officer A. Porter - Was one of the officers assigned to CB-Block the night I was assaulted on or about August 27 or 28, 2006 - 2nd shift.

3) John Doe Officer - Assigned to CB-Block the night I was assaulted on or about August 27 or 28, 2006 - 2nd shift.

4) John Doe Officer - Assigned to CB-Block the night I was assaulted on or about August 27 or 28, 2006 - 2nd shift.

5) Robert Patishnock, CB-Block Unit Manager - Unit Manager of CB-Block the night I was assaulted on or about August 27 or 28, 2006.

6) Superintendent Franklin J. Tennis - Facility Manager the night I was assaulted on or about August 27 or 28, 2006, at Rockview State Prison.

7) Deputy Superintendent Joel Dickson - Facilities Management the night I was assaulted on or about August 27 or 28, 2006, at Rockview State Prison.

8) **Sharon Burke, Camp Hill State Prison - Grievance and Appeals Secretary** the night I was assaulted on or about August 27 or 28, 2006.

9) **Captain Gerald McMahon, Second Shift Commander of security** - The night I was assaulted on or about August 27 or 28, 2006.

10) **James Morris, Major of the Guard for Unit Management** - The night I was assaulted on or about August 27 or 28, 2006.

11) **Jeffrey A. Rackovan, Correction Superintendent Assistant** - The night I was assaulted on or about August 27 or 28, 2006.

12) **Dr. Symons** - Medical Doctor the night I was assaulted on or about August 27 or 28, 2006.

13) **Richard Ellers** - Medical Administration the night I was assaulted on or about August 27 or 28, 2006.

14) **PHA Assistant** - Medical Department the night I was assaulted on or about August 27 or 28, 2006.

15) **PHA Assistant** - Medical Department the night I was assaulted on or about August 27 or 28, 2006.

16) **Prison Health Service Company.**

CLAIM FACTS

INJURIES SUSTAINED FROM ASSAULT

1. Four (4) severe lacerations to my bottom lip (facial) - (2) outside - (2) inside - scared tissue on outside of bottom lip and inside and disfigured lip.
2. Two (2) teeth (front teeth) on the bottom of my mouth broken at the roots and removed by the dentist here in prison, (Dr. Italia).
3. Large lump on the back of my head on the left side, approximately size of a grape fruit.
4. Fractured skull on the back of my head on the left side and bruise, and soft tissue where skull was fractured.
5. Severe headaches, dizziness, nauseous, slurred speech, off balance, equilibrium problems, vision problems, emotional distress and mental anguish, very confused.
6. Severe Concussion, some form of Brain Damage quoted and diagnosed in my presence by and thru Dr. Symons at Rockview State Prison, PA.
7. All injuries documented by Dr. Symons at Rockview State Prison Record Department, and also by a Cat-Scan, MRI and MRA X-Ray's as well as the eye Doctor Report, and by a Ear, Nose, Throat Specialist in the Penn State area of Pennsylvania, as well as the Neurologist Doctors Report, in the Penn State area of PA.
8. I was seen by Dr. Hyman a Neuologist at the Penn State office and he stated on August 7, 2007, at our visit, that I have permanent Brain injuries as well as permanent disfigured tissue surrounding skull area that was damaged - fractured area.

Constitutional Rights Violated

CONDITION OF RIGHTS OF FACTS

1. I Thomas J. Beaton, hereby allege that my constitutional rights for the Eighth Amendment Protection from Cruel and Unusual Punishment was violated.

2) I Thomas J. Beaton, hereby allege that the prison officials and officers under their official capacity failed to respond to my safety and security in a serious assault matter upon myself as well as my serious medical needs of deliberate indifference to serious medical help, and needs, and care.

3) I Thomas J. Beaton, allege that the prison officials as well as officers were in reckless disregard of my rights under the Constitution Amendments, of the Eighth, as well as Equal Protection, under the Eighth Amendment.

4) I Thomas J. Beaton, ask the court to impose a Temporary Injunction to stop the abuse here at Rockview State Prison, and award me damages listed on the Relief page.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Punitive Damages in the amount of two million dollars - \$2,000,000.00.

Compensatory Damages in the amount of one million dollars \$1,000,000.00.

Mental Anguish Damages in the amount of two million dollars \$2,000,000.00.

Declaratory Damages in the amount of one million - \$1,000,000.00.

2. Jury Trial  
Appoint Counsel due to head injury.

Court Order (DOC) Department of Corrections to cover all future medical and or surgical costs (expenses) pertaining to injuries susstaind from assault - (fractured skull, two lost teeth to be replaced (implant surgically), repair bottom lip and scar tissue, any future vision problems, and any neurological problems from the assault upon myself, as well as surgically repair the skull area that was damaged.

3. Order Department of Corrections (D.O.C) to cover all Court costs and Attorney fees.

Signed this 11th day of August 2007

Donald J. Beaton Sr.  
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

August 11, 2007  
(Date)

Donald J. Beaton Sr.  
(Signature of Plaintiff)

**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS  
COMPLAINT UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

**COVER SHEET**

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

\*\*\*\*\*

The cost for filing a civil rights complaint is \$350.00.

If you do not have sufficient funds to pay the full filing fee of \$350.00 you need permission to proceed in forma pauperis. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

**CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.**

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1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$350.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. **Check here if you are submitting the filing fee with the complaint form.**       

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. **You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees.**       

**Please Note:** If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

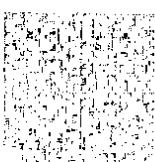
**DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS**

homas J. Beaton Jr.  
FY-3886 SCI-Rockview  
Box A  
Bellefonte, PA. 16823-0820

7005 1820 0001 9594 7538



RECEIVED  
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AUG 20 2007  
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235 NORTH WASHINGTON AVENUE  
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